



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,504	03/11/2004	Chang Soo Kim	1824.01	6390
29338	7590	07/20/2005	EXAMINER	
PARK & SUTTON LLP 3255 WILSHIRE BLVD SUITE 1110 LOS ANGELES, CA 90010			SAWHNEY, HARGOBIND S	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/798,504	Applicant(s) KIM, CHANG SOO	
	Examiner Hargobind S. Sawhney	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/11/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 3-5 and 7 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5-7, 12 and 15 of copending Application No. 10/798,504. Although the conflicting claims are not identical, they are not patentably distinct from each other because the matters discussed as follows:

Instant Application No. 10/798,504	Copending application No.: 10/798,493	Discussion on differences, and additional References:
Claims 1, 3-5 & 7	Claims 5-7, 12 & 15	Claim 5, lines 1-13, of the copending application meets the limitations of the Claim 1 of the instant application; Claim 12, lines 1 and 2 of the copending application meets the limitations of the Claim 3 of the instant application.

Art Unit: 2875

Instant Application No. 10/798,504	Copending application No.: 10/798,493	Discussion on differences, and additional References:
---------------------------------------	---	---

Claims 1, 3-5 & 7	Claims 5-7, 12 & 15	<p>Claim 15, lines 1 and 2, of the copending application meets the limitations of the Claim 4 of the instant application.</p> <p>Claim 7, lines 1 and 2 of the copending application meets the limitations of the Claim 5 of the instant application. Regarding Claim 7 of the instant application, Claim 5, lines 7 and 8, of the copending application recites a controller operationally coupled to a light bulb. However, the Claim 5 of the copending application does not specifically teach the location of the controller.</p> <p>It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the lamp system of the instant application relocating the controller in the house, since it has been held that rearranging parts of an invention involves only routine skill in the art. Further, keeping the controller in-house would make the controller reachable to operator, and would facilitate the operation of the device.</p>
-------------------	---------------------	---

It would be have been obvious to one of ordinary skill in the art at the time of the invention to meet the limitations of claims 1, 3-5 and 7 of the instant application by applying teachings of the structural limitations included in claims 5-7, 12 & 15 of Copending application No.: 10/798,493 in the manner indicated above.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claims 2, 9 and 15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of Copending application No.: 10/798,493 in view of Stewart (US Patent No.: 4,712,166).

Regarding claims 2, 9 and 15, dependent on claims 1, 8 and 14 respectively, the copending application 10/798,493 claims a color-coded lamp system including a light bulb operationally coupled to a controller, and the bulb being covered with colored transparent panels (claims 5, 8 and 9). However, the copending application 10/798,493 does not claim a color-coded lamp including a decorative cap detachably mounted on top of the covering as recited in Claim 2 of the instant application.

On the other hand, Stewart ('166) discloses a light fixture 10 (Figure 1) comprising a decorative cap 26 detachably mounted on the top of covering 18 (Figure 1, column 2, lines 19 and 20).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the color coded lamp system the instant application by providing the decorative cap and its positioning as taught by Stewart ('166) for the benefits and improving attraction value of the device.

4. Claims 6, 8, 10-14 and 16-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of Copending application No.: 10/798,493 in view of Glukes (US Patent No.: 2,863,240).

Regarding Claim 6, the copending application 10/798,493 claims a color-coded lamp system including a light bulb operationally coupled to a controller, and the bulb being covered with colored transparent panels (claims 5, 8 and 9). However, the

compending application 10/798,493 does not claim the light bulb being a colored light bulb as recited in Claim 6 of the instant application.

On the other hand, Glukes ('240) discloses a color illumination system (Figures 1-3) comprising different colored bulbs 10-12 illuminating front face 16 of a sign including indicia 21 formed with translucent or transparent paint (Figures 1-3, Column 1, lines 55-65).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the color coded lamp system the instant application by providing the colored lamp in combination with a colored front face cover as taught by Glukes ('240) for the benefits and advantages of color –corrective light sources, and to enhance lighting effects.

Regarding claims 8 and 10-13, the compending application 10/798,493 in view of Glukes ('240) claims a color-coded lamp system meeting the limitations in similar manner, as that discussed above, and in section 2, employed for rejections of claims 1 and 3-7.

Regarding Claim 14, the compending application 10/798,493 in view of Glukes ('240) claims a color-coded lamp system meeting the limitations, except the following, in similar manner as that discussed above, and in section 2 employed for rejection of claim 8.

The compending application 10/798,493 in view of Glukes ('240) claims a color-coded lamp system including a flashing member provided between one of the bulb bases and one of the port positioned on the circuit board. However, neither combined

nor individual teaching of the copending application 10/798,493 and Glukes ('240) discloses a color-coded lamp system claiming a flashing member being located in the circuit board itself.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the lamp system of the instant application relocating the flashing member on the circuit board, since it has been held that rearranging parts of an invention involves only routine skill in the art. Further, keeping the flashing member in the circuit board would reduce manufacturing cost due to reduction of parts to be assembled

Regarding claims 16-20, the copending application 10/798,493 in view of Glukes ('240) claims a color-coded lamp system meeting the limitations in similar manner, as that discussed above, employed for rejections of claims 8 and 10-13.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lin et al. (U.S. Patent No. 6,851,209 B2), Hsieh (U.S. Patent No. 5,863,109), Whittaker et al. (U.S. Patent No. 5,657,004), Haslam et al. (U.S. Patent No. 5,590,953), Saar (U.S. Patent No. 4,628,421), Paulson (U.S. Patent No. 3,831,020), Arnold (U.S. Patent No. 3,680,238) and Weber, Jr. et al. (U.S. Patent No. 3,666,936)

Art Unit: 2875


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S. Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS

7/10/2005


Stephen Husar
Primary Examiner